

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 3, 11-15, and 17-21 are pending in the present application. Claims 1, 11, 17, and 21 are the independent claims.

Claims 3, 11, 12, 17, and 21 have been amended. No new matter is believed to have been added.

Initially, Applicants acknowledge with appreciation the indication that claims 11-15 are allowed and that claim 21 recites patentable subject matter and would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. By the present Amendment, Applicants have not amended any of the allowed claims, save independent claim 11, which has been amended to address a purely formal matter. Also, Applicants have rewritten claim 21 in independent form to include all of the features of its base claim and the intervening claims.

Claims 3 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,844,866 (Fujimoto et al.). Claims 17-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,181,652 (Katou et al.). All rejections are respectfully traversed.

Independent claim 3 now recites, inter alia, determining whether the disc is one of axially eccentric or mass eccentric using the counts of track traverse pulses at first and second speed factors of a disc.

Independent claim 17 now recites, inter alia, a control unit which determines whether the disc is one of axially eccentric and mass eccentric using track traverse pulse counts at first and second revolving speeds of a disc.

However, Applicant respectfully submits that neither Fujimoto et al. nor Katou et al. teach at least the aforementioned features of independent claims 3 and 17.

Fujimoto et al. relates to a method and apparatus for checking the quality of CD-ROMS or the like for reading them at matching speeds and teaches checking disk eccentricity by counting the pulses produced by a transducer as the spot of a read beam crosses track turns. Fujimoto et al. also teaches performing this checking when the tracking servo is turned off. (Fujimoto et al., col. 9, lines 42-62). However, Fujimoto et al. is silent as to the aforementioned

feature of independent claim 3. Rather, Fujimoto et al. teaches using the checking result in combination with a wobble check and reading the disk at a high speed if the disk passes both checks.

Katou et al. relates to a method and apparatus for reading CD-ROMS or the like at matching speeds determined by disk eccentricities and teaches determining a frequency of vibration of the disk based on first and second eccentricity counts respectively taken at first and second check speeds. Katou et al. also teaches using the counts to determine track eccentricity and the difference to determine the hole eccentricity of the disk and determining a matching speed suitable for reading the disk. (Katou et al., col. 15, line 61 - col. 16, line 22) However, Katou et al. is silent as to the aforementioned features of independent claim 17.

Accordingly, favorable reconsideration and withdrawal of the rejections of independent claims 3 and 17 are respectfully requested.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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